IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21774 of 2002

Between:

N.B. Sunkanna son of Minnella
K.Nagalapuram Village, Gudur Mandal Kurnool Dist

..... PETITIONER

AND

1 The Commissioner, Endowment Department
Hyderabad
2 The Asst. Commissioner, Endowments Department
Kurnool
3 D.R.K.V. Prasad, Person-in-Managment,
Srinivasa Mandir Road, Siddeswara Complex, Krishnanagar,
Kurnool

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in appointing the 3rd respondent as person-in-management Rc.No. A6/4306/02 dt. 28/08/02 giving notice and opportunity and without including the temple in the list as per sec.6 and without considering the income of the temple required under sec 15 of the Act as illegal, improper, arbitrary and against law besides being violative of Art. 14, 19 and 21 of Constitution of India.

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WRIT PETITION NO : 1315 of 2003

Between:

N.B.Sukanna son of N.Minnella
K.Nagalapuram village, Gudur Mandal Kurnool Dist

..... PETITIONER

AND

1 The Commissioner, Endowment Dept.,
A.P Hyderabad
2 The Asstant Commissioner , Endowments Department
Kurnool

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent herein in issuing the notification calling for application from the individuals to appoint as Trustee council (Dharmakantale Mandali) on the pretext of term complete where there was no such trustee council in existence, as illegal, improper, arbitrary, against law and principle of natural justice, besides being violative of Article 14, 19 and 21 of the constitution of India, consequently direct the respondent restrain from doing anything in pursuance of the notification Rc.No.A 15/5602/2002 dated. 27/11/2002 in the interest of justice.

Counsel for the Petitioner:MR.R.RAMANJANEYULU in both the cases.

Counsel for the Respondents 1 and 2: GP FOR ENDOWMENTS in both the cases

Counsel for Respondent No.3

In W.P.No.21774 of 2004 : Mr.K.V.N.Bhupal, Advocate.

The Court made the following Common Order:

As the petitioner in both the writ petitions is one and the same, the writ petitions are disposed of by this common order.

Petitioner claims to be the hereditary Archaka of Sunkulamma Devatha Temple, K.Nagaralapuram Village, Gudur Mandal, Kurnool District filed W.P.No.21774 of 2002 questioning the proceedings No.A6/4306/02, dated 28-08-2002 issued by the second respondent-Assistant Commissioner, Endowments Department, Kurnool appointing the third respondent-

Mr. D.R.K.V.Prasad, Person-in-Management as single trustee to the subject temple in exercise of powers under Section 15(3) of the A.P. Charitable Hindu Religious Institutions and Endowments Act, (for short "the Act") for managing the temple as per rules.

It is the case of the petitioner that as per Section 15 of the Act, a notification dated 27-11-2002 was issued inviting applications for continuation of the Trust Board. Questioning the said notification, petitioner filed another W.P.No.1315 of 2003. Since no stay has been granted for appointment of the Trust Board, the Trust Board appointed on 03-02-2003, took oath of secretly on 14-02-03, Chairman was elected and started its functioning. With this effect, W.P.No.21774 of 2002 has become infructuous since the cause does not survive for adjudication.

Therefore, both the writ petitions are liable to be dismissed. However, proper remedy, if any, for the petitioner is to approach the Deputy Commissioner of Endowments under Section 87 of the Act for determination of his rights in the subject temple and on such obtaining declaration, he can claim his inclusion in the Trust Board.

Both the writ petitions are accordingly dismissed. No order as to costs.

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(A.GOPAL REDDY, J)

22nd June, 2004.

Kvni

To

1. The Commissioner, Endowment Department
   Hyderabad
2. The Asst. Commissioner, Endowments Department
   Kurnool
3. Two CCs to the Government Pleader for Endowments, High Court Buildings, A.P., Hyderabad.(OUT).
4. Two CD copies.